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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,867	03/12/2002	Maria Giuseppina Martini	IT 010006	2617
7590 11/05/2003			EXAMINER	
Philips Electronics North America Corporation Corporate Patent Counsel 580 White Plains Road Tarrytown, NY 10591			WAMSLEY, PATRICK G	
			ART UNIT	PAPER NUMBER
			2819	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/070,867

Applicant(s)

MARTINI ET AL.

Examiner

Patrick G Wamsley

Art Unit

2819

-- Th MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed on 08/22/2003 have been fully considered but they are not persuasive. Specifically, applicant contends that a single partition head is used for all partitions in a data stream. All independent claims have been amended to recite a "single" length information field for all partitions.

The data structure depicted in Figure 1 appears to be conventional, as it describes partitions for the MPEG-4 standard. Each partition appears to require some sort of header [HI or HP]. There's no suggestion that a conventional structure would include only a single header field.

The length field insertion process shown in Figure 6 involves multiple length fields (lf). There's no disclosure of the use of a "single" length information field for an entire data stream. To the contrary, it appears necessary to add length fields after each resync marker (WH5). This operation is also described on lines 12-14 of Page 5.

While the examiner agrees that the references of record do not disclose the use of a "single" length field for an entire data stream, this limitation is also not found in the specification. Consequently, the previous rejection will not be withdrawn. A new rejection has been added due to the lack of enablement of a "single" length field.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, as shown in Figure 6, the specification supports the use of multiple length fields (lf) in a data stream. In contrast, all claims now include a limitation drawn to a "single" length field. As the specification does not disclose this feature, this rejection is necessary to describe its lack of enablement.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code 103(a) not included in this action can be found in a prior Office action.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the MPEG-4 article by Koenen, hereafter Koenen, in view of U.S. Patent 3,996,558 to Heun, hereafter Heun.

For claim 1, Koenen teaches that standard MPEG encoding involves a method comprising the steps of encoding partitions with different error protection techniques [error resilience tools], such as resynchronization, data recovery, and error concealment. For claim 6, the length information is used during a decoding process. Claims 8 and 9 respectively restate the method limitations of claims 1 and 6 in apparatus format. Claims 10 and 11 describe the encoders and decoders of claims 8 and 9 respectively as transmitters and receivers. Claims 12 and 13 describe the claimed material in the form of a coded data stream.

However, Koenen lacks the addition of partition length data to a data stream during an encoding process. In contrast, Heun clearly teaches this element in the context of data on magnetic tape. Heun's partition head [25] includes partition length data [col. 2, lines 42-43]. Heun's teachings are germane to the encoding process of the instant invention, because data structures can be recorded on many media, such as magnetic tapes, transmitted, received, and otherwise manipulated. At the time of the invention, it would have been obvious to one of ordinary skill in the art to have applied Heun's teachings to Koenen. The motivation would have been to more easily detect errors, as suggested by Heun.

For claims 2 and 3, Heun's partition lengths would have been recorded before and after encoding, depending upon which coding technique was employed.

For claim 4, Koenen provides a resynchronization marker [Page 33]. In the combination, partition length information would have logically been placed before it, in order to distinguish specific partitions from each other, thereby cooperating with other header information. Also, note that the partition gap on Heun's tape provides resynchronization [col. 2, line 25].

For claim 5, Koenen provides markers for higher-robustness words, related to the number of layers used for decoding and reconstruction.

For claim 7, Heun's partition length information would have been deleted after decoding, as it would have served its function, and would have unnecessarily expanded the decompressed signal.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,815,649 to Utter et al discloses the use of a length field [63] when compiling a table of partitions [as shown in Figure 3].

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick G. Wamsley whose telephone number is (703) 305-3504. Send facsimiles to (703) 746-8802.

  
Patrick G. Wamsley

October 31, 2003